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SUMMARY RECORD OF THE 1331st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 12 July 1994, at 10 a.m.

Chairman: Mr. ANDO

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Third periodic report of Italy (CCPR/C/64/Add.8) (continued)

1. The CHAIRMAN invited the delegation of Italy to continue its replies to questions put in connection with section II of the list of issues.

2. Mr. CITARELLA (Italy) said that he wished to provide some general information on the new Code of Criminal Procedure. With regard to the innovative nature of the Code, the newly introduced adversarial structure was the opposite of the inquisitorial method on which the previous Code of Criminal Procedure had been based. Under the latter method, the examining magistrate had interrogated the witnesses and the accused and prepared a dossier. There had been no clear separation between the investigation and the trial proceedings.

3. Under the new system, it was the function of the public prosecutor's office to seek evidence and that of the defence to seek contrary evidence, and the two sides would then present their respective cases to the judge at the trial. Under the old Code, the public prosecutor had been able to begin an investigation unilaterally without having to inform the accused or the defence counsel. When he thought he had sufficient evidence, he would call on the judge to initiate the proceedings against the accused. It was only at that stage that the person suspected of having committed a particular crime had had the possibility of being assisted by defence counsel and of presenting his response.

4. According to the new Code, from the very first moment when the judge was informed of the name of the suspect, he had to inform that person that an investigation was being undertaken. From the very first day, the public prosecutor and the defence counsel worked side by side, and every step taken by the public prosecutor had to be carried out in conjunction with the defence counsel. At the end of the inquiry, the case was brought before the judge, who then decided on the subsequent action to be taken.

5. The approach of the new Code of Criminal Procedure was that the public prosecutor and the accused were absolutely equal before the judge. The public prosecutor no longer had a privileged position. As in many other countries, in Italy the accused person met the initial cost of his defence from his own funds. If he had no means to provide for his defence, he was entitled to be defended without charge by a member of the Bar appointed by the judge. The lawyer concerned could not refuse to assist the accused. The defence costs were covered by the State.

6. Pre-trial detention, which under the new Code could amount to 6 years, as against 10 years under the old Code, was regarded as an exceptional measure. The judge was the only person who could take a decision on such detention. Moreover, he could do so only when an exceptional measure was necessary in order to carry out an investigation or when there was a danger that the accused might try to leave the country.

7. There were various methods of recourse and appeal against a judicial decision concerning pre-trial detention. The first was recourse to the same judge, stating grounds and asking him to annul the decision. The accused could also have recourse to the Court of Cassation, which delivered a prompt ruling as to whether or not the decision was justified. In addition, whenever a person was in pre-trial detention, an appeal could be made to the freedom court, which could pronounce as to whether or not the decision to detain was justified.

8. It should be noted that the normal duration of pre-trial detention was no more than six months. The period of six years had never been imposed and might be applied only in connection with proceedings involving a very large number of serious offences arising from organized crime where the judge required time to carry out his investigation.

9. The magistrature in Italy was composed of career judges who were not appointed by any political authority.

10. If a person was held in a police station after he had been observed committing a crime, there was a time-limit of 48 hours within which he had to be brought before a judge. In any event, his family must be notified immediately of such custody.

11. Noting that the annex to Italy's report contained the conclusions of the National Bioethics Committee on the determination of death, he said that the same Committee had recently given detailed advice on artificial insemination which had raised moral and ethical issues. The Committee's advice was not binding on anyone. It had not had to deal with a case where an ill person requested his doctor to turn off his life-sustaining apparatus.

12. The CHAIRMAN invited further questions from members of the Committee.

13. Mr. FRANCIS said he would like to ask, first, whether overcrowding in Italian prisons was such as to contravene either the United Nations Standard Minimum Rules for the Treatment of Prisoners or article 10, paragraph 2 (b), of the Covenant, which required that accused juveniles should be separated from adults. Secondly, was the judiciary authorized, in cases involving minor offences, to impose sentences of community service rather than imprisonment, with a view to reducing the number of prisoners held in institutions?

14. Mr. CITARELLA (Italy) said that an international commission of the Council of Europe, which had been investigating prisons and detention centres in Italy for over a month, had concluded that they were fully in line with all international standards. On the matter of sentencing policy, under Italy's new Criminal Code, prison sentences could not be imposed on drug addicts: they were normally ordered to attend recovery centres. In other cases involving less serious offences, it was for the judge to decide whether or not an order for daytime community work was appropriate. In some cases, the convicted person was allowed to choose what kind of voluntary community service he wished to perform.

15. In reply to an earlier question, he said that in the Morabito case two police officers, following a preliminary inquiry, had had criminal proceedings

instituted against them for culpable homicide and infliction of injuries on a detainee. In the Bologna case, criminal proceedings had likewise been instituted against the police officers concerned, and they were to stand trial in the near future.

16. The CHAIRMAN invited the Italian delegation to respond to the questions in section III of the list of issues, which read:

> "III. Freedom of movement and expulsion of aliens, right to privacy, freedom of religion, expression, assembly and association (arts. 12, 13, 17, 18 and 19)
>
> (a) Please elaborate on the legal situation of aliens who have been denied a residence permit but can nevertheless not be expelled (see para. 93 of the report).
>
> (b) Please provide information on the application in practice of the provisions of articles 266 to 271 of the new Code of Criminal Procedure governing the interception of communications and conversations, particularly those which confer, in emergency cases, specific powers to the government procurator.
>
> (c) Please provide information on legislation concerning the collection and safeguarding of personal data.
>
> (d) Please comment on the main differences in the legal status of the Catholic Church and other religious denominations. Please explain the conditions under which religious denominations are eligible to conclude an agreement with the State as well as the legal and practical consequences of the conclusion of such an agreement (see para. 143 of the report).
>
> (e) Please provide further information on the implementation in practice of Act No. 233 of 8 August 1990 which purports 'to establish pluralism, objectivity, exhaustive nature and impartiality of information (...)' as well as on the functions and activities of the 'guarantor for radio and publication' mentioned in paragraph 155 of the report."

17. Mr. TORELLA DI ROMAGNANO (Italy), in reply to question (a), said that under Italian law aliens who were not citizens of European Union countries were entitled to stay in Italy even without adequate documents. Even those who were subject to an injunction to leave the country, or who were involved in criminal proceedings, could remain until the judge ordered their expulsion.

18. In reply to question (b), interception of communications and conversations could only be carried out by equipment installed in the office of the public prosecutor or, in cases of emergency, by equipment installed in police stations or in other public offices. Not later than five days after such interceptions had been carried out, all reports and recordings made had to be deposited with the office of the public prosecutor. Counsel for the defence of the parties involved were entitled to have access to those reports

and recordings. Subsequently, the trial judge, in the presence of the public prosecutor and the counsel for the defence, selected the data relevant to the case and eliminated what he considered to be irrelevant.

19. The public prosecutor, following a request by the Minister of the Interior, the chief of the Carabinieri or the local police chief, was authorized to order interception of communications relating to investigations into serious offences. In addition, Act No. 646, providing for preventive measures against the Mafia, which had entered into force in September 1992, authorized the public prosecutor to order interception of communications of persons against whom such preventive measures had been applied.

20. Replying to question (c), he said that Act No. 121, concerning the collection and use of personal data by public authorities, laid down that the police were not permitted to collect information either on nationals or aliens solely on the basis of their race, faith or political opinions, or their membership of organizations founded to promote specific social or cultural objectives. Any data collected by the police could be used only for the purposes provided for under that Act. Any person who compiled and kept computer files on Italian citizens was required to inform the Ministry of the Interior of the existence of those files. Under a law approved in December 1993, any person holding or circulating codes giving access to computer systems, or intercepting communications via computer systems, was guilty of an offence. Under an earlier law which had entered into force in 1970, attempts by employers to obtain information on the opinions of their workers in political, religious, cultural or trade union matters, or information on any aspects of their lives that were not relevant to their working qualifications, were prohibited.

21. In response to question (d), the Catholic Church did not enjoy any special legal status as compared to other religious denominations, despite the fact that over 90 per cent of Italians were Catholic. Agreements concluded between the State and religious denominations could not be modified unilaterally. All income tax payers had the option of requesting that 8 parts per 1,000 of tax paid be allocated to any of the religious denominations that had concluded an agreement with the State.

22. Finally, in response to question (e), he stated that the main purpose of the office of the guarantor was to ensure that information provided by the media was objective, impartial and accurate. The guarantor did not exercise arbitrary powers, but acted fully in accordance with the law. During the recent election, for example, the guarantor had decided on the time to be allocated to party political broadcasts. He also played an important part in deciding the nature and role of the State radio and television authority (RAI), and notably the procedures for appointing its Board of Directors, issues which were currently much in dispute following the adoption of Decree-Law No. 418 of June 1994 requiring that RAI be run in such a way as to be a fully impartial source of information.

23. Mr. PRADO VALLEJO noted from paragraph 136 of the report that interception of conversations and telephonic communications was permitted, inter alia, in the case of "offences against the public administration". That expression seemed unduly broad, and likely to lead to arbitrary action on the

part of the Government. What recourse was available to citizens who had suffered from illegal or arbitrary interceptions? Paragraph 139 stated that interception operations should not exceed 40 days, but could be extended by a judge for successive periods of 20 days. In such a case, what remedies would be available to the individual concerned?

24. Concerning article 19 of the Covenant, paragraph 153 stated that financial contributions were made by the State to daily newspapers. While such contributions could be valuable for newspapers published in minority languages, how was it possible to ensure that they would not be used to serve political ends? According to paragraph 154, Act No. 233 of 8 August 1990 sought to guarantee "impartiality of information". What criteria were used to decide whether or not information was impartial? He would also appreciate further information concerning the office of the "guarantor for radio and publication" referred to in paragraph 155, since no such office existed in Latin America. What were the functions of the guarantor, and what precisely were the activities he was required to supervise?

25. In conclusion, he would like to know what steps had been taken to ensure that the State-owned radio and television channels were genuinely impartial, and had no political bias.

26. Mr. HERNDL said he noted that although the principle of religious freedom was enshrined in the Italian Constitution, a certain special status was accorded to the Catholic Church, based on the concordant between the Vatican and the State concluded in 1929 and amended in 1984. The various agreements concluded between the State and other religious denominations, listed under paragraph 143 of the report, would seem to indicate that the Catholic Church was no longer preponderant. However, he recalled a somewhat controversial statement made in paragraph 77 of the initial report (CCPR/C/6/Add.4) to the effect that the Italian clergy was financed from tax revenue obtained from all citizens who possessed taxable income. In 1989, a member of the Italian delegation had explained, in reply to a question on that point, that 8 per cent of all tax revenue was set aside to subsidize the Catholic Church. Was that indeed the case?

27. On freedom of information, paragraph 152 of the third periodic report mentioned "effective criteria to measure concentration in the daily press". It was implied in that paragraph that if a certain threshold of concentration was exceeded, then contracts for the management of newspapers and transfers of shares in publishing companies would be rendered null and void. What were the criteria concerned? In that connection, was the reservation made by Italy in respect of article 19, paragraph 3, of the Covenant still in force? He would appreciate more information on the licensing system governing radio and television broadcasting in Italy, to which reference had been made in paragraph 82 of the initial report.

28. It had been reported that the Italian Government's allocation of private television channels in the early 1990s had been under scrutiny by the judiciary because of the suspicion that certain political parties had gained an advantage through their links with private owners. He would appreciate

more information on that point. Was "slander of the Republic" still an offence under the Criminal Code, as had been reported in paragraph 81 of the initial report?

29. He noted that the report said nothing about the implementation of article 21 of the Covenant. What restrictions, besides the requirement of prior notification, were placed on the right of peaceful assembly? Concerning article 22 of the Covenant, paragraph 159 referred to a recent Act governing the exercise of the right to strike in "essential public services". Was there any law governing the exercise of the right to strike in general?

30. Mr. WENNERGREN, referring to the right to privacy, asked whether the public prosecutor was called upon to report to the judge on any interception of communications and conversations carried out under his authority. Was the lawfulness of such action monitored?

31. Concerning religious freedom, he noted that Catholic religious instruction was no longer compulsory in Italian secondary schools. Paragraph 150 of the report cited eloquent guidelines on religion in kindergartens. But how were those guidelines implemented?

32. Recalling his earlier question on conscientious objection to military service, which had yet to be answered, and noting what had been said about conscientious objection to the induced termination of pregnancy, he further inquired whether provision was made for refusal by midwives, on conscientious grounds, to associate themselves with the use of intra-uterine contraceptive devices, notably the coil.

33. Mr. AGUILAR URBINA, referring to the freedom of information, requested further details concerning the post and functions of the guarantor for radio and publication. He inquired how the equitable allocation of television time to representatives of political parties was ensured, noted with concern that under present circumstances, Italy's private and public television channels could all be brought within the ambit of the same individual, who had powerful financial interests, and sought further information concerning measures for ensuring that RAI did not come under government control.

34. Concerning dispensation from religious instruction in secondary schools, he asked how differences of opinion on the matter between pupils and their parents were settled.

35. With regard to restrictions on the freedoms of members and descendants of the House of Savoy, under article XIII of the Transitory Provisions of the Constitution, he asked whether an Italian woman residing in Italy who married a male member of the royal line would be obliged to go into exile.

36. Mr. BAN asked whether the differential treatment in the matter of entry and stay of aliens accorded to nationals of member countries of the European Union and persons from other countries did not amount to discrimination under article 26 of the Covenant. He doubted whether the self-certification mentioned in paragraph 93 of the report in connection with the extension of residence permits was a realistic proposition.

37. Concerning the right to privacy and the interception of communications and conversations, the report dwelt at length on the criminal context; he sought information concerning the practice and legal regulation of interception in cases where national security was involved.

38. With regard to the freedom of information, he shared the concern of other members of the Committee for the independence of the Italian media, given that the country's Prime Minister was also the proprietor of the main means of mass communication.

39. Mrs. EVATT withdrew her request to speak: her additional questions had already been put by other members of the Committee.

40. Mr. EL SHAFEI asked how offences related to the defamation of the State and its institutions were handled under the law. He also asked whether the announced reallocation of television channels was under way, and on the basis of what criteria it was being implemented.

41. Mr. NDIAYE asked how the impartiality of information and pluralism of the press in present-day Italy were ensured by the law; and commented on the unusualness of the fact that - as he understood it - the Prime Minister, in his private capacity as the country's major franchise-holder, would be called upon to submit his accounts to a public official - the guarantor for radio and publication appointed by the President of the Republic.

42. Noting with interest the demilitarization of the personnel of the State police (it was unusual for persons who bore arms not to have military status), and their acquisition of the right to belong to trade unions, he asked whether they also now enjoyed the right to strike.

43. Mr. CITARELLA (Italy), responding to the additional questions on section III of the list of issues, said, with regard to religious freedoms, that the past half-century had seen considerable changes in the position of the Catholic Church, many of whose former privileges no longer existed. The Italian State had concluded agreements with most of the major religious denominations and those agreements had been reflected in the law, so that all were the subject of parallel or similar treatment. Where no agreement existed, that was sometimes because the denomination in question had no official representative. He remarked that while one of Europe's largest mosques was located in Rome, the Islamic faith had no official representative in Italy.

44. It should be clearly understood that 8 parts per 1,000 - not 8 per cent as had been claimed - of the revenues levied by the State in the form of income tax were automatically set aside for social purposes, to be used under religious or non-religious auspices. Individual taxpayers were invited to indicate, on their returns, whether they wished their part to go to the Catholic Church, to any of the denominations with which official agreements had been signed, or to the State for attribution. His delegation would place comprehensive documentation on that subject at the disposal of the Committee,

including the 1993 ruling of the Constitutional Court, in a case involving regional authorities, that whenever funds became available for religious purposes, all denominations were entitled to claim a share.

45. Confirming that religious instruction in secondary schools was no longer compulsory, and that no pupil was compelled to attend religious classes, he said that at the lower levels of education there was no religious instruction as such. Parents of small children were free to determine how the question should be addressed; usually, at least in the towns, religious associations ensured that various options were available.

46. On the issue of public-service strikes, he said that the law provided for strike action in essential public services, subject to certain conditions, including advance notice of at least 15 days and the assurance of minimum service. Under a special procedure, strikes that were demonstrably organized more for their nuisance value than in support of economic or other grievances could be banned.

47. Concerning the treatment of aliens, it was true that nationals of member countries of the European Union enjoyed the special conditions negotiated by those countries, notably with regard to travel and residence. But in regard to working conditions, special insurance and other legally-regulated matters, there was no discrimination whatsoever between foreigners; Italy's labour legislation was uniformly applied.

48. Concerning the right to privacy, he said that the lawful interception of communications and conversations - which could only take place under duly established warrant - was very carefully circumscribed by the new Code of Criminal Procedure, the underlying principle being that no automatic relationship existed between a person's private life and his or her involvement in crime. Recordings obtained through interception could not be used in trial proceedings unless the accused and the defence counsel so permitted. Evidence obtained by illicit interception was considered null and void, and must be destroyed. The private or public exploitation of such material was a criminal act. Several articles of the Code (e.g. 615 bis, 617 and 617 bis) defined and provided for the sanctioning of illicit interference in private life and the obtaining of information by unlawful means. A public prosecutor who considered it necessary to obtain evidence through the interception of communications and conversations must apply for an order from the judge, who could refuse such an application. Even when national security was involved, a special warrant must be obtained.

49. Defamation or slander through the press was covered by a specific provision (art. 596 bis) of the Code of Criminal Procedure and was the subject of a law adopted as long ago as 1958. Normally, the director and deputy director of the publication were considered criminally liable in such cases.

50. Concerning the independence and pluralism of the media, and more especially the impartiality of State broadcasting and television in Italy, he said that the matter was being closely followed at the present time, in full awareness of all the current risks. Less than a day previously, the Presidents of the Chamber of Deputies and the Senate had agreed, in complete freedom from interference or instruction by the Government, on the membership

of the country's independent broadcasting authority. In accordance with a law passed in 1975, public television must not be in the hands of the Government, but controlled and operated under safeguard measures adopted by Parliament. As for the guarantor for radio and publication, he was appointed by the Head of State, rather than the Head of Government; there was no reason to suppose that he would not act independently in the exercise of his functions, which included scrutiny of the balance sheets of private as well as public television companies, intervention in the case of infringements of the law and supervision of the application of European as well as domestic directives on the media. He had the authority to close down or suspend the activities of stations that did not observe the law.

51. In regard to the questions on conscientious objection, he said that amendments to the 1975 Act approved by Parliament some three years previously and transmitted to the President of the Republic for counter-signature had been refused as not going far enough in liberalizing the earlier provisions. In legislation that was expected to be enacted within the next few months, conscientious objection to military service, for ethical, moral and other reasons as well as on religious grounds, would be rendered easier, and objection would no longer be perceived as meriting some kind of retributive act.

52. Lastly, he stated that the restrictions on members of the House of Savoy under article XIII of the Transitional Provisions of the Constitution applied only to male descendants who might have some claim to the throne. The wife of Italy's last King had visited the country, and had been received by the Heads of State and Government.

53. The CHAIRMAN invited members of the Committee to make their concluding observations on Italy's third periodic report.

54. Mrs. EVATT thanked the Italian delegation for its careful replies, which had supplemented the information contained in the report. Regrettably, the delegation had been unable to provide answers to all the questions raised, including her query regarding the regime of persons detained on the grounds of mental illness. There were many factors in Italy affecting the implementation of the Covenant such as terrorism, which had even led to the assassination of a member of the judiciary, organized crime and the wave of racism sweeping through Europe. Notwithstanding, Italy retained its firm commitment to democracy and human rights, as borne out by new legislation drafted during the reporting period relating inter alia to minorities, the electoral system and equal opportunities for men and women. However, many concerns had been voiced regarding the alleged violence of police and prison officers, chiefly against members of the immigrant population, which not only called for prompt action to arrest and charge those responsible, but more importantly for better training of law enforcement officers in general. The problems of overcrowded prisons and the length of pre-trial detention were yet to be overcome. Referring to measures taken to combat terrorism, she stressed the importance of observing minimum standards for all detainees, irrespective of the offence committed. Further efforts should be made to ensure the integration of women in all aspects of society and afford them greater protection against violence.

Steps should be taken to create awareness of the need for racial tolerance. The wider introduction of the citizens' advocate and ratification of the Second Optional Protocol would also be welcome.

55. Mr. MAVROMMATIS thanked the Italian delegation for its detailed replies to most of the questions raised by members of the Committee and said that any additional written information, particularly on the way Italy was following up the Committee's recommendations, would be most welcome. In general, fundamental human rights were well protected in Italy. Nevertheless, in recent years, the Committee had observed a worrying trend on the part of some countries to take very stern action, typical of more authoritarian regimes, when faced with certain crisis situations such as a sudden influx of immigrants or terrorist acts. He urged the Italian Government to adopt a very cautious approach to the current problems of organized crime, high-level corruption and the resurgence of fascism. He had four main concerns, namely the increase in alleged cases of torture, the maximum duration of detention, the long delays in criminal justice matters and the civil liability of judges. He hoped that those concerns would be brought to the attention of the competent authorities in Italy and that appropriate action would be taken.

56. Mr. AGUILAR URBINA echoed the concerns expressed regarding the ill-treatment of prisoners as well as persons arrested by the police, particularly since many of the cases reported involved members of minority groups. He was concerned about the general situation of minorities in Italy and would welcome more detailed information in the fourth periodic report on the different categories of minorities in the country. His last concern was connected with article 19 of the Covenant. The situation of the national press and media was currently at the centre of attention in Italy. Several hundred journalists were holding a demonstration that day in Milan to voice fears concerning restrictions on freedom of expression, and an anti-trust bill concerning the media had recently been drafted. Moreover, in view of the forthcoming nominations for directors of the State-owned television channels, he expressed the hope that such problems would be resolved without interference on the part of political parties.

57. Mr. EL SHAFEI said that the constructive dialogue with the Italian delegation had highlighted many positive developments in the economic, social and humanitarian spheres culminating in the introduction of relevant legislation. The legislation enabling taxpayers to contribute to the religious institution of their choice and the laws guaranteeing freedom of worship for those belonging to different religious denominations were particularly worthy of note. Efforts had also been made to deal with the problem of minorities, through appropriate laws applicable to the long-established minority groups referred to as "linguistic minorities". Likewise, the Government had regularized the situation of the new minority groups who had arrived in the country following the recent wave of immigration and whose numbers were likely to increase. The cause of women had been promoted and remaining restrictions on the full enjoyment of their rights had been lifted. Although certain improvements had been made to criminal legislation, there were clearly some lacunae, notably the fact that torture was not classified as a criminal offence, which made prosecution difficult. The provisions of the Convention against Torture, which had been ratified by Italy, should be more strictly applied. Further causes of concern were the

unnecessarily long periods of detention and difficulties encountered in connection with judicial proceedings, neither of which had been satisfactorily explained by the delegation.

58. Mr. PRADO VALLEJO expressed satisfaction at the very useful dialogue held with the Italian delegation and the improvements made to national legislation that ensured greater compliance with the provisions of the Covenant. Despite the clarifications provided, a number of issues gave rise to concern: the current status of the Covenant vis-à-vis national legislation; reports of continued ill-treatment and torture by the police; the length of pre-trial detention; the excessively broad scope of legislation permitting the interception of private communications; and State control of national television channels.

59. Mr. BAN said that, while he welcomed new laws on human rights issues not covered by existing international agreements, more particularly bioethics and euthanasia, he was disappointed that so few of them had been enacted, for instance in the field of equal opportunities for men and women. He commended the efforts made to ensure recognition of other religious denominations in Italy, particularly the agreements concluded between the State and the Lutheran Church on the one hand and the Jewish community on the other hand. Efforts should be pursued to accord similar status, possibly by other means, to other, smaller religious groups. Commenting on the alarming rise of xenophobia in the country, he attributed it in part to the increasingly competitive labour market and to the phenomenon of clandestine employment. All manifestations of anti-Semitism were to be deplored, and in that connection he welcomed the enactment in 1993 of a law to repress xenophobia. With regard to the increasing incidence of ill-treatment by prison staff and police officers, he surmised that that might be a reaction to organized crime and Mafia-related activities. The Italian authorities should certainly look into the matter, and in that connection he welcomed the news of the likely reform of the prison system. The overall picture that emerged from the report and the dialogue with the Italian delegation was very positive, but further efforts to improve the protection of human rights in Italy should be encouraged.

60. Mr. SADI endorsed the remarks addressed to the Italian delegation and the concerns expressed by previous speakers, but raised two further queries. He presumed that surveillance of telephone conversations and similar practices were governed by appropriate legislation. However, he asked how such legislation would apply in the case of intelligence networks. It had been explained that citizens could make tax-deductible contributions to religious institutions recognized by the State, but were contributions made to other religious denominations also tax-deductible?

61. Mr. HERNDL said that the fruitful exchange with the Italian delegation had demonstrated Italy's firm commitment to human rights and its tireless efforts to implement the provisions of the various human rights instruments it had duly ratified. Admittedly it was very difficult to convey in a brief report the very complex system under which the various articles of the Covenant were implemented. However, both the second and third periodic reports had certain lacunae, and he hoped that the fourth periodic report would provide information on those articles not dealt with thus far. He was

especially interested in the situation of minorities, in particular the scope of autonomy granted and how it was intended to protect them in accordance with the provisions of article 27. In conclusion, he conveyed his thanks to the Italian delegation for the excellent insight it had provided into new legislation.

62. Mr. DIMITRIJEVIC endorsed the remarks and concerns of previous speakers. Furthermore, he would have welcomed some information on how the new Code of Criminal Procedure was being applied. He noted that an increasing number of developed countries faced with organized crime and terrorism were resorting to measures that strengthened the role of prosecutors, thereby undermining the rights of persons accused of grave offences during legal proceedings. Admittedly, that was a very difficult problem that required careful consideration, but he hoped that the matter would be taken up in Italy's fourth periodic report.

63. Mr. FRANCIS expressed appreciation of the steps taken by the Italian Government to provide religious education in schools, as well as the emphasis it had laid on health care, thereby protecting the right to life. He also welcomed the efforts made to deal with the problem of minorities. On the basis of the information contained in the report and the additional clarifications provided by the delegation, he concluded that the Italian Government was doing its utmost to implement the provisions of the Covenant. He hoped that the Committee's recommendations on specific issues would be duly taken into account and followed up at the national level.

64. Mrs. CHANET thanked the delegation of Italy for its brief yet pertinent replies, as well as for the reassurances that a chapter in Italian history now closed would not be reopened. The solidity of Italian democracy could not be called into question on account of the long-established and independent national institutions which were the best guarantee for the protection of human rights. In that connection, she said that one of the more notable achievements of recent years was the law against racism and xenophobia. However, despite the clarifications provided by the Italian delegation, several areas of concern remained. First, although the Covenant could be invoked before the courts, not all of its provisions were accorded the same status and had direct application. Second, given the high number of allegations of violence by law enforcement officers and the fact that so few cases were brought to court, she concluded that either current legislation relating to ill-treatment was lacking or that there must be some difficulty with its application. Her third concern was the length of pre-trial detention - six years was quite unacceptable under any circumstances. Moreover, the fact that the length of detention depended on the severity of the offence was not in conformity with article 9 of the Covenant and ran counter to the principle of presumption of innocence. Lastly, she shared the concern of many Italians regarding the possible consequences of the monopolization of public and private television channels.

65. A number of improvements would be welcome. Since the Constitution of the Italian Republic predated the Covenant, she recommended that Italy should adopt a bill of human rights to be incorporated in the Constitution. Furthermore, legislation regarding ill-treatment of detainees should be more strictly applied and those responsible for such acts duly prosecuted; proper

training should also be given to law enforcement officers in that regard. Further improvements in criminal legislation were required: terrorism and corruption were not phenomena encountered exclusively in the developed countries, although the latter had greater means to deal with them. The legislation of those countries was often very repressive and the classification of offences too broad, with the result that persons involved yet not entirely responsible for such acts were liable to the most severe penalties.

66. The CHAIRMAN commended the efforts of the Italian delegation to answer the many queries raised. In the present climate of racial and ethnic tension, respect for human rights was of paramount importance and would ensure the peaceful coexistence of all members of the human race. Since Italy had been the seat of the Roman Empire, whose laws formed the basis of modern international legislation, he was confident that Italy's fourth periodic report would reflect even further progress in the protection of human rights.

67. Mr. TORELLA DI ROMAGNANO (Italy) said that he had enjoyed the very stimulating dialogue with members of the Committee. Their pertinent remarks and questions had shown an impressive knowledge of Italian current affairs and legislation. The Committee's recommendations had been duly noted and would be referred to the competent authorities in Italy for further action with a view to remedying the situation. He reaffirmed Italy's commitment to the protection of human rights, the new Government having already shown a keen interest in such matters. Contrary to statements made in the foreign press, Italian democracy was under no threat and freedom of information and pluralism would be guaranteed. He looked forward to a further dialogue with the Committee when Italy submitted its fourth periodic report, taking due account of suggested improvements and recommendations.

68. The CHAIRMAN said that at the request of the Italian delegation and following consultations with members of the Bureau, Italy would be allowed a two-month extension on the deadline for its fourth periodic report. The due date would therefore be 31 December 1995.

The meeting rose at 1.10 p.m.